

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

|                           |   |          |
|---------------------------|---|----------|
| UNITED STATES OF AMERICA, | ) |          |
|                           | ) |          |
| Plaintiff,                | ) | 8:06CR50 |
|                           | ) |          |
| v.                        | ) |          |
|                           | ) | ORDER    |
| RUDOLPH GEORGE STANKO,    | ) |          |
|                           | ) |          |
| Defendant.                | ) |          |
| _____                     | ) |          |

Before the court are Filing Nos. 79, 81 and 82.

Defendant moves the court to change the venue in this case. Filing No. 79. The court previously denied this motion, Filing No. 18, on March 20, 2006. The defendant has now, almost five months later, reasserted his request contending that venue should be changed because: (1) he lives in Sheridan County; (2) his witnesses are in Sheridan county; (3) he wants a cross-section of rural Nebraskans on his jury. The court again finds that this motion should be denied. The court notes that it initially set a deadline of March 26, 2006, for the filing of all pretrial motions. Filing No. 6. While it would have permitted and has permitted some leeway regarding this deadline as a result of the defendant's incarceration, the court will not permit a reconsideration of this motion five months after its denial. Accordingly, the motion for change of venue is denied.

Defendant also renews his suppression motion. Filing No. 81. The court previously ruled that defendant's suppression motion, Filing No. 71, is denied. Filing No. 78. The court ruled that defendant had created a factual issue as to whether the signature on the card belonged to him. Defendant now contends that he did in fact sign the signature card. However, he argues that the government illegally obtained the signature card without a

warrant. During a hearing conducted in this case on August 3, 2006, the government represented to the court that it obtained this information by issuance of a grand jury subpoena. Accordingly, the court will deny this motion subject to receipt of an affidavit from the government or a copy of the grand jury subpoena within ten days of the date of this order indicating how it obtained the signature card in question.

Defendant has also made a request for copies of his pleadings. Filing No. 82. On the same day he filed this request, the court granted him in forma pauperis status and ordered the Clerk of Court to provide defendant with copies of his pleadings. Filing No. 83. Therefore, the court will deny this motion as moot.

IT IS ORDERED:

1. That defendant's motions, Filing Nos. 79, 81 and 82 are denied.
2. That the government shall file either an affidavit or a copy of the grand jury subpoena for the defendant's bank records within ten days of the date of this order.

DATED this 8<sup>th</sup> day of August, 2006.

BY THE COURT:

s/ Joseph F. Bataillon  
JOSEPH F. BATAILLON  
United States District Judge